

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1018

AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-19-3-26, AS AMENDED BY P.L.81-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) The anatomical gift promotion fund is established. The fund consists of amounts distributed to the fund by the auditor of state under IC 9-18-2-16.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The state department shall administer the fund. Any expenses incurred in administering the fund shall be paid from the fund.

(d) Except as provided in subsections (e) and (f), the state department shall select appropriate organ procurement organizations to which the money deposited in the fund shall be distributed:

(e) Except as provided in subsection (f), the state department may not distribute any money from the fund after June 30, 2001:

(f) Beginning July 1, 2002, the state department shall distribute money deposited in the fund as follows:

(1) For the state fiscal year beginning July 1, 2002:

(A) sixty thousand six hundred fifty dollars (\$60,650) for payment to the Indiana Blood Center for testing of bone marrow before entrance into the National Bone Marrow

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Registry; and

(B) the lesser of fifty thousand dollars (\$50,000) or the amount in the fund after the distribution is made under clause (A) shall be distributed to the bone marrow and organ donor fund established under IC 16-46-12-2.

After the distribution to the bone marrow and organ donor fund under this subdivision, any amount remaining in the fund shall be distributed to the Indiana Donation Alliance Foundation.

(2) For the state fiscal year beginning July 1, 2003,

(d) The money in the fund shall be distributed **quarterly** to the Indiana Donation Alliance Foundation **for the purpose of implementing an organ, tissue, and marrow registry and to promote organ, tissue, and marrow donation.**

~~(g)~~ (e) The Indiana Donation Alliance Foundation shall keep information regarding the identity of an individual who has indicated a desire to make an organ or tissue donation confidential.

~~(h)~~ (f) **The Indiana Donation Alliance Foundation shall submit an annual report, including a list of all expenditures, to the chairperson of the:**

- (1) legislative council;
- (2) senate health committee; and
- (3) house public health committee;

before January 15. The report must be in an electronic format under IC 5-14-6.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) **This subsection applies if the Indiana Donation Alliance Foundation:**

(1) **loses its status as an organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; or**

(2) **ceases its affiliation with at least three (3) of the following organizations:**

- (A) American Red Cross Tissue Service.
- (B) Children's Organ Transplant Association.
- (C) Community Tissue Services.
- (D) Indiana Lions Eye & Tissue Transplant Bank.
- (E) Indiana Organ Procurement Organization.
- (F) St. Joseph Hospital Tissue Bank and Indiana Cardiac Retrieval.

The Indiana Donation Alliance Foundation shall report in an electronic format under IC 5-14-6 to the chairpersons of the senate

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standing committee, as determined by the president pro tempore of the senate, and the house standing committee, as determined by the speaker of the house of representatives, that have subject matter jurisdiction over health issues. The chairpersons shall review the report and recommend to the state department whether to continue distributions under subsection (d).

(i) This section expires ~~June 30, 2004~~ July 1, 2007.

SECTION 2. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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